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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA

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8 LORETTA DOWNS, *et al.*, No. C-10-2163 EMC
9 Plaintiffs,

10 v. 11 U.S. FOODSERVICE, INC.,
12 Defendant.
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**ORDER RE QUESTIONS FOR MARCH
16, 2012 ORAL ARGUMENT**

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15 Plaintiffs' motion for preliminary approval of settlement is set for hearing Friday, March 16,
16 2012. Docket No. 50. The parties shall be prepared to discuss and present additional evidence if
17 necessary on the following questions:

- 18 1. What is the basis for the 85%-15% split between the two funds? How many
19 members of the class are eligible for each fund? What is the projected average
20 recovery for class members in each fund?
- 21 2. If there is concern about retaliation, why should current employees hired after
22 October 2010 (or is it 2011?) and those who are Nevada/Arizona Drivers be required
23 to file a claim?
- 24 3. How should conflicts between the settlement agreement and notice as to whom
25 objections and opt outs should be sent be resolved?

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4. Aside from mailed notices, should there be supplemental means of giving class notice (Internet, publication, etc.)?

IT IS SO ORDERED.

Dated: March 13, 2012


EDWARD M. CHEN
United States District Judge